

243 C-2
6-3 (74)

May 18, 2006



CITY OF
TUCSON

DEVELOPMENT
SERVICES
DEPARTMENT

ZONING
ADMINISTRATION
DIVISION

Collin Sult
Snell & Wilmer, LLP
One South Church, Suite 1500
Tucson, AZ 85701-1630

SUBJECT: 308 W. Glenn: Beacon Group Expansion: Parking Requirements
Land Use Code (LUC) Information

Dear Mr. Collin:

Thank you for your letter dated April 26, 2006 regarding the above referenced project. The project is the Beacon Group (BG) expansion of its Tucson facility at 308 West Glenn Street. The property is developed with two existing buildings that total 36,200 square feet in gross floor area. The project expands the facility by adding a new 2-story 38,380 square foot building. The project will increase the site's total building floor area from 36,200 to 74,580 square feet. The BG Tucson facility provides day treatment and vocational training programs to persons with physical and developmental disabilities. After its expansion the facility programs will provide work for and serve 325 students, 80 teachers and 10 office personnel. Of concern are the parking requirements for the project.

The Zoning Administration Division has reviewed your letter, the program information available on the BG web site, the project development plan and the LUC regulations applicable to offstreet parking and land use classification. For zoning purposes, the programs provided by the Tucson facility places it firmly within the "Educational Use" land use class. In question is the particular subclass this educational use should be placed. When looking at the facility, its programs, and the special nature of its students, staff considers the facility similar in certain characteristics with two of the educational subclasses: "Elementary and Secondary Schools" and "Postsecondary Institutions".

For example, the BG Tucson facility provides the same vocational skills and studies taught by postsecondary institutions (trade schools). However, for parking purposes, your facility functions similar to a typical grade school. The LUC states that where a specific use conforms to the wording of two or more land use descriptions, the Zoning Administrator determines the most appropriate Land Use Class for that use (Sec. 6.3.2.3). Thus, it is the determination of the Zoning Administrator that parking requirements of the Beacon Group's Tucson facility, as described, is considered equivalent to that

6.3.4.2.3
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308 W Glenn
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of an "Elementary and Secondary School" (Grades K-8) and is to be determined by the ratio of one (1) space per ten (10) students plus one (1) space per 250 square feet of office floor area. Any change in student population will require review by the City of Tucson.

Please note, this zoning determination is appealable to the Board of Adjustment provided the appeal is initially made in writing and filed along with the appropriate fees with the Zoning Administration Division Offices, 2nd floor, 201 North Stone Avenue within (30) days of the date of this letter. Complete appeal filing and fees information can be obtained by contacting Russlyn Wells (ext. 1134) or Wayne Bogdan (ext. 1116) at (520) 791-4541. Also note, a copy of this letter must be attached to the project's site plan when submitted to the Development Services Department (DSD), 1st floor, 201 North Stone Avenue to complete the zoning compliance review process. If you should require further LUC information from the Zoning Administration Division, please contact William Balak (ext. 1168) or Wayne Bogdan (ext. 1116) at (520) 791-4541.

Sincerely,



Walter Tellez
Zoning Administrator

s:zoning administration/zoning/ZA/308 w glenn.doc

c: Viola Romero-Wright, City Attorney's Office

Development Services Department (DSD) - 201 North Stone Avenue
P.O. Box 27210 - Tucson, AZ 85726-7210
Telephone: (520) 791-4541 - Fax: (520) 791-5852
Website: www.ci.tucson.az.us/dsd
Email: DSD_zoning_administration@tucsonaz.gov

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MEMORANDUM

243 (15)

DATE: March 16, 2005

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 2.4.3, O-3 Zone, St. Joseph Hospital Parking Garage
Land Use Code: Zoning Administrator Determination

A parking garage is permitted provided it complies with the O-3 requirements. It would not be an expansion of the nonconforming status for the height.

s:zoning administration/za determination/LUC 2.4.3.doc



CITY OF
TUCSON

OFFICE OF THE
CITY ATTORNEY

October 3, 2003

Ann Graham-Bergin, Esq.
3936 E. Fort Lowell
Suite 200
Tucson, Arizona 85712

Re: Riverstone Apartment Project, 50 Stone Loop Road

Dear Ann:

You have asked for the City's position regarding the previously approved development plan for this project. In 1986, that development plan was the subject of litigation in *Ridgebrook v. City of Tucson*, Superior Court No. 26604. As a result of that litigation, a mandamus order was issued by the Pima County Superior Court on April 1, 1986, which directed the City to process and approve the proposed development plan. The order specifically stated in paragraph 3(A) that the City was compelled to:

"Accept, process, and approve a Development Plan ("the Development Plan") for the Property in substantial conformity with the 4th Development Plan for the Property introduced into evidence within fourteen (14) days from the date hereof."

It is my understanding that the City fully complied with all aspects of the order in this case in 1986. I do not believe that the Court sought to create a perpetual right to rely upon that plan, when clearly, there was not then, and is not now, any legal basis for such a position.

It is also my understanding that the original developer of this project completed approximately 464 apartment units in Phase I of the development during that time period. Subsequently, a development plan for Phase II was submitted to and approved by the City in late 1994, and early 1995. Those plans expired on August 22, 1996, without any action by the developer. A further inquiry was made to this office in late 1998, and early 1999, wherein another development plan was approved and extended, provided certain additional measures were included to address handicap accessibility. That plan likewise expired. I made it clear to the attorney representing Riverstone at that time, that no further reliance upon the 1986 development plan and judgment would be allowed.



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In reviewing this history, and the judgment issued by the Superior Court, it is evident that the City has fully complied with the Court's order. Both at and after the immediate time period of 1986, the City was required by paragraph 3(A)(ii) to

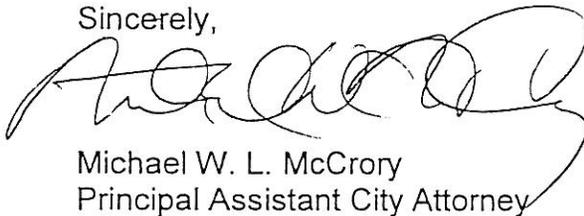
"comply with all of the provisions of the Tucson Zoning Code and all other applicable regulations, ordinances or statutes of the City as they may now or may hereafter exist."

As you know, the Land Use Code replaced the Tucson Zoning Code in 1995. As part of that change, all persons who asserted any rights to construct under the provisions of the Zoning Code, were given a period of one year in which to file a notice of intention to construct under the Zoning Code, obtain necessary approvals, and pull building permits. Failure to follow those provisions extinguishes any pre-existing reliance upon the Zoning Code.

Since the developer has failed to comply with the duly enacted requirements to preserve any right to develop under the Zoning Code, that code no longer applies. Any proposed development will, therefore, have to fully comply with the provisions of the Land Use Code.

If you have any further questions, please let me know.

Sincerely,



Michael W. L. McCrory
Principal Assistant City Attorney

MWLM:dc

c: Ernie Duarte, Development Services Director
Walter Tellez, Zoning Administrator
Frank Bangs, Esq.



The Sunshine City •

CITY OF TUCSON

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TUCSON, ARIZONA 85726-7210

DEPARTMENT OF PLANNING
791-4505 • 791-4571 • 791-4541
FAX (520) 791-4130 OR 791-2663

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261

September 4, 2001

Michael Marks, AICP
MJM Consulting, Inc.
7002 East 4th Street
Tucson, AZ 85710

Subject: 6755 Block East Speedway, RX-2/O-3/C-1 - Dorado Country Club Hotels
Land Use Code (LUC) Information

Dear Mr. Marks:

Thank you for your letter dated August 20, 2001, with attachments, regarding the proposed Dorado Country Club Hotel project. The site is comprised of several parcels located in the 6755 Block of East Speedway Boulevard and currently zoned RX-2, O-3 and C-1. The project will consist of two hotels and a complex of rental casitas. One of the hotels will contain a conference center, a golf club, a bar, a restaurant and some retail use. Based on the description of the project, you request clarification of the project's parking and loading space requirements.

The Planning Department has completed its review of your letter and attachments. The parking and loading requirements for the hotel project are provided as follows. First, the hotel parking along with its ancillary uses designated for guest use only (e.g. complimentary breakfast buffet, weight rooms, tennis courts, in-hotel conference rooms, pool areas, etc.), is calculated using the ratio of one space per hotel rental unit. Calculated separately and added to this parking requirement is the parking required for those ancillary uses designated for both hotel guest and public use (e.g. restaurant, lounge, gift shop, golf course, etc.). The parking requirements for these ancillary uses are calculated using the parking ratios for the individual uses as listed in LUC Section 3.3.4. For example, the restaurant areas (hotel and/or golf club house) are calculated using the ratio of 1/100 sq. ft. of g.f.a., the lounge and bar requirements (hotel and golf club house) at the ratio of 1/50 sq. ft. of g.f.a., the gift shop or any other retail areas (hotel and the golf club house) at the ratio of 1/200 sq. ft. of g.f.a., and for the golf course itself the ratio of (36) spaces per (9) holes, etc.

Please note that a copy of this letter must be attached to the project's site plan when submitted to the Development Services Department (DSD), 201 North Stone Avenue for the zoning compliance review process. Should you require further zoning information from the Planning Department, please contact Bill Balak, Wayne Bogdan or myself at 791-4541.

Sincerely,

Walter Tellez
Zoning Administrator

s:zoning/2001/6755speed.doc

RX-2 3000 = 0.33
O-3 " " = 2.43
C-1 " " = 2.53
DSD = 5.1.11 90